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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 JOSEPH GALIPO; CAROL WADE; AND
11 ASHLEY GALIPO, individually, and as
12 administrator of the Estate of JOSEPH
13 GALIPO,

14 Plaintiffs,

15 v.

16 CITY OF LAS VEGAS; CITY OF LAS
17 VEGAS POLICE DEPARTMENT,
18 STATE OF NEVADA; NEVADA
19 HIGHWAY PATROL; OFFICER
20 FARRINGTON; OFFICER YANNIS; and
21 DOES 1 through 10, inclusive,

22 Defendants.

Case No. 2:06-CV-00895-KJD-RJJ

ORDER

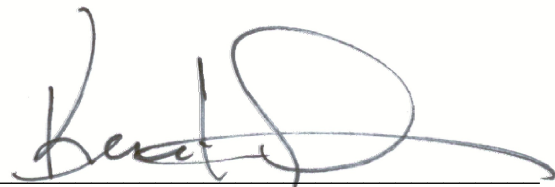
23 Presently, the Court has before it Defendant City of Las Vegas' Motion to Dismiss (#8) filed
24 on November 6, 2006. More than fifteen days have passed and Plaintiffs have failed to file a
25 response in opposition. See D. Nev. R. 7-2(b). Failure to file a response in opposition constitutes
26 consent to the granting of the motion. See id. 7-2(d). Moreover, after having read and considered
the motion, the Court finds good cause for granting it. According to the allegations of the complaint,
Plaintiff's decedent was killed in the course of a Nevada Highway Patrol pursuit. In addition to the
City of Las Vegas, Plaintiffs have also named as Defendants the Nevada Highway Patrol ("NHP")

1 and the "City of Las Vegas Police Department." Defendant City of Las Vegas cannot be held liable
2 for the conduct of Defendant NHP. Defendant NHP is a division of the State of Nevada Department
3 of Public Safety. See Nev. R. Stat. 480.130. Defendant City of Las Vegas has no authority or
4 responsibility over Defendant NHP.

5 Defendant City of Las Vegas also cannot be held liable for the conduct of Defendant Las
6 Vegas Police Department. First, the Las Vegas Police Department merged into a separate political
7 entity, the Las Vegas Metropolitan Police Department ("LVMPD"), over 30 years ago. Moreover,
8 LVMPD may sue and be sued in its own name and is responsible for any claims arising out of its
9 operations. See id. 280.280.

10 Accordingly, IT IS HEREBY ORDERED that Defendant City of Las Vegas' Motion to
11 Dismiss (#8) is **GRANTED**.

12 DATED this 8th day of December 2006.

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16 Kent J. Dawson
United States District Judge